

Return Date: January 10th, 2019
Time: 2:30 P.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 18-11947 CGM

EDWY F. REYES,

NOTICE OF MOTION

Debtor

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PLEASE TAKE NOTICE, that upon the annexed application of the Chapter 13 Trustee herein, a motion will be made before the Hon. Cecelia G. Morris, United States Bankruptcy Judge, at the United States Courthouse, located at One Bowling Green, New York, New York, on the 10th day of January, 2019 at 2:30 A.M. for an order dismissing the Chapter 13 case pursuant to 11 U.S.C. § 1307 (c)(1) on the ground that there has been unreasonable delay by the debtor that is prejudicial to creditors, and (c)(4) in that the debtor failed to remit timely plan payments to the trustee demonstrating good faith and feasibility; and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, are to be served on the undersigned and filed with the Court no later than three (3) days prior to the return date of this motion, and must comply with the Bankruptcy Court's electronic filing system in accordance with General Order M-242 and Supplemental General Order M-269.

Dated: White Plains, New York
December 13th, 2018

/s/ Krista M. Preuss
Krista M. Preuss(KMP7299)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. 914-328-6333

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 18-11947 CGM

EDWY F. REYES,

APPLICATION

Debtor

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TO THE HON. CECILIA G. MORRIS, BANKRUPTCY JUDGE:

1. The debtor filed the instant voluntary Chapter 13 proceeding on June 28th, 2018.
2. The debtor is in violation of 11 U.S.C. §1307 (c) (1) and (c)(4).
3. A hearing on confirmation was held on December 6th, 2018.
4. The debtor's plan sets forth payments of \$3,000.00 for 60 months.
5. The debtor has failed to remit timely plan payments to the trustee, having remitted four payments and being, at this juncture, one month in arrears.
6. The debtor's plan is not feasible in that the debtor is unable to remit monthly payments as required under 11 U.S.C. § 1325 (a)(6) and § 1326(a)(1).
7. The debtor's schedules I and J reveal a disposable income of 1,425.25, insufficient to support the monthly plan payment of \$3,000.00.
8. The plan, as such, is deemed infeasible.
9. Additionally, upon information and belief, the plan has failed to be served upon creditors.
10. The debtor has failed to provide the trustee with certain of the required documentation, to wit, a real estate appraisal for the Barnes Avenue property.
11. The debtor has created unreasonable delay that is prejudicial to creditors..

WHEREFORE, this Chapter 13 case should be dismissed pursuant to 11 U.S.C. §1307
(c)(1) and (c)(4).

Dated: White Plains, New York
December 13th, 2018

/s/ Krista M. Preuss
Krista M. Preuss

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13

Case No. 18-11947 CGM

EDWY F. REYES,

Debtor

-----X

CERTIFICATE OF SERVICE

Lois Rosemarie Esposito duly certifies:

I am not a party to the action herein, I am over the age of 18 years and reside in
the County of Westchester, State of New York.

On December 13th, 2018 I served a true copy of the within document, to the herein
listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed
envelope with postage prepaid thereon, in an official depository of the United States Postal

Service within the State of New York to the following:

Edwy F. Reyes
330 Taylor Avenue
Bronx, New York 10473

Edward J. Waters, Esq.
39 Pond View Lane
New Canaan, Connecticut 06840

Ocwen Loan Servicing, LLC
c/o Robertson Anschutz & Schneid, PL
6409 Congress Avenue 3 100
Boca Raton, Florida 33487

Ocwen Loan Servicing, LLC
Bankruptcy Department
P.O. Box 24605
West Palm Beach, Florida 33416

JP Morgan Chase Bank, NA
P.O. Box 29505 AZ1-1191
Phoenix, Arizona 85038

NYC Water Board
59-17 Junction Blvd.
Elmhurst, New York 11373

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Paralegal